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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,079	10/16/2003	Alberto Patarchi	163-511	9079

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HEDMAN & COSTIGAN P.C.
1185 AVENUE OF THE AMERICAS
NEW YORK, NY 10036

EXAMINER

PRESTON, ERIK D

ART UNIT	PAPER NUMBER
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2834

DATE MAILED: 12/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/687,079

Applicant(s)

PATARCHI, ALBERTO

Examiner

Erik D. Preston

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

Claim 7 is objected to because of the following informalities: It includes the phrase "...the action windings..." This phrase lacks proper antecedence in the claims, for examination purposes it will be interpreted as "...a group of action windings..."

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 & 3-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Livings et al. (FR 2356992 supplied by applicant).

With respect to claim 1, Livings teaches an electric motor (Fig. 1, #4) with variable rotation speed comprising: A stator connected to at least one magnetic excitation coil (Abstract); a rotor on which are formed at least two magnetic poles each having opposite polarity (rotational electric motors inherently have at least two magnetic poles); said at least one coil being adapted to form on said stator at least two magnetic induction poles having an opposite polarity (again, rotational electric motors have at least two magnetic induction poles); and an adjusting device (as seen in Figure 1) for adjusting said rotation speed of said rotor comprising an antijamming filter (Fig. 1, #2 & 3), characterized in that said antijamming filter comprises at least one portion of said

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magnetic induction coil (as seen in Figure 1), said magnetic induction coil is divided into a first portion (Fig. 2, #1) and a second portion (Fig. 2, #1') connected to each other in series and said adjusting device is positioned between said first and second portion.

With respect to claim 3, Livings teaches the electric motor of claim 2, wherein said first and second portion are identical to each other (Page 4, Lines 18-32).

With respect to claim 4, Livings teaches the electric motor of claim 1, wherein said antijamming filter comprises an RC system.

With respect to claim 5, Livings teaches the electric motor of claim 1, wherein said adjusting device comprises a phase shutting piloting circuit (Page 4, Line 40 - Page 5, Line 18).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Livings et al. (FR 2356992 supplied by applicant) in view of applicant's admitted prior art in the specification. Livings teaches the motor of claim 1, but doesn't teach the adjusting device comprising a phase "chopper" piloting circuit. However, the applicant states that "chopper" circuits are well known in the art (Page 1, Line 20). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the motor of Livings with a chopper circuit because it converts the negative half wave of the motor

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induction coil's alternating current supply to positive, and the duty cycle of this resultant signal can be adjusted to control the current flow which in turn controls the rotational speed of the motor (Applicant's specification Page 1, Line 20 – Page 2, Line 4).

Claims 7 & 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Livings et al. (FR 2356992 supplied by applicant) in view of Enescu (GB 2134739 supplied by applicant).

With respect to claims 7 & 8, Livings teaches the motor of claim 1, wherein the adjusting device has an out-of-phase condenser, but does not teach that the adjusting device acts exclusively on a single part of a group of action windings in a single or multi-phase motor. However, Enescu teaches an adjusting device acting exclusively on a single phase of a group of action windings in a single (Fig. 1) or multi-phase (Fig. 2) motor. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the motor of Livings in view of the adjusting device as taught by Enescu because it provides a means for suppressing radio interference in an apparatus driven by an electric motor (Enescu, Abstract).

Response to Arguments

Applicant's arguments filed 11/14/2005 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., that claim 1 points out coils that are disposed outside of the motor) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification,

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limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicant's argument that the coils of *Livingston et al.* are not stator coils, it is noted that on page 4, lines 18-32 (see machine translation below) *Livingston et al.* teaches that Fig. 1, #1 & 1' are field (stator) coils, and also that Fig. 1, #4 is an armature (rotor).

Figure 1 represents a mode of realization of the device according to the invention in which one uses an engine series with AC current including/understanding an armature turning 4 and two field windings 1 and 1'. The corresponding terminals of the field windings 1 and 1' are connected at the boundaries of a feeder system in AC current while the other terminals of the field windings are connected between them by armature 4 of the electric motor and a triac 5 assembled in series with him. A condenser 2 and one resistance 3, assembled in series, are connected between the anode and the cathode of the triac 5 and are used as network of protection for the triac. Le makes that the field windings 1 and 1' are in series with the triac 5 and the armature, and are laid out between these components and the feeder system helps to prevent that the produced interference word triac is reinjected in the feeder system.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

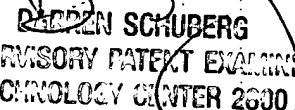
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erik D. Preston whose telephone number is (571)272-8393. The examiner can normally be reached on Monday through Friday 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on (571)272-2044. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


12/06/2005


DARREN SCHUBERG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600